

REMARKS/ARGUMENTS

This Amendment is being filed in response to the Final Office Action dated September 24, 2009, which has been reviewed and carefully considered. Reconsideration and allowance of the application in view of the amendments made above and the remarks to follow are respectfully requested.

Claims 1, 2, 4-6 and 9-19 are pending in the Application. Claim 8 is canceled herein, without prejudice. The Applicants respectfully reserve the right to reintroduce subject matter deleted herein, either at a later time during the prosecution of this application or any continuing applications.

In the Office Action, claim 11 is rejected under 35 U.S.C. §112, second paragraph. Applicants respectfully traverse the rejection. However, in the interest of cooperation and advancing prosecution, claim 11 is amended to recite "wherein a direction of rotation, corresponds to said cutting direction." Accordingly, withdrawal of the rejection of claim 11 under 35 U.S.C. §112, second paragraph, is respectfully requested.

In the Office Action, claims 1, 2, 4-6, 8-10 and 12-19 are rejected under 35 U.S.C. §103(a) over U.S. Patent No. 5,933,960 to Avidor ("Avidor") in view of U.S. Patent No. 6,442,840 to Zucker

("Zucker"). The rejection of claims 1, 2, 4-6, 8-10 and 12-19 is traversed. It is respectfully submitted that claims 1, 2, 4-6 and 9-19 are allowable over Avidor in view of Zucker for at least the following reasons.

In a Response to Arguments section of the Final Office Action (see, page 4), the Final Office Action completely discounts what is obviously shown in FIG. 17, namely that that the pivotal connection 132 is directly in line with the engage sockets 120. The Final Office Action takes the position that "[w]ith the angle provided, one could not determine the exact position of 132 relative to 120 because it is not a straight on back view."

This statement in and of itself completely corrupts the intent of looking at a prior art reference to determine what it by itself teaches, together with the understanding provided by a person of ordinary skill in the art and/or as provided by other prior art references without the benefit of hindsight reconstruction provided by the teachings of the present application.

Avidor in its own words, merely provides that FIG. 17 is an alternate embodiment of FIG. 16 in which a hinge (126) formed on the handle (124) is replaceable by the pivotable connection (132) to provide similar functionality of tilting of the support plate

(110) (and hence cartridge (112)) relative to the handle. (see, Avidor, Col. 10, lines 29-38, Col. 11, lines 45-47).

Each of these figures makes clear that the handle is attached to the shaving head in a position in line with the engage sockets 120.

The Final Office Action then goes on to explain how any disparity of applied forces can be interpreted as essentially equal (see, Final Office Action, page 4 continuing to page 5). It is respectfully submitted that the maintenance of this position is completely counter to any understanding of what any person of ordinary skill in the art would understand "essentially in equal parts" to mean.

A simple Internet search provides "essentially equal" as a definition for "equivalent" (see, The American Heritage® Dictionary of the English Language, Fourth Edition copyright ©2000 by Houghton Mifflin Company. Updated in 2009. Published by Houghton Mifflin Company, accessed through "thefreedictionary.com".)

A simple search for patents at the U.S. Patent and Trademark website found 11,092 patents utilizing the search term "essentially equal", which by the Final Office Actions interpretation, means any distribution of components.

A further search of "essentially equal" and force, in the claims of issued patents found 857 uses in the claims of the issued U.S. patents. Again, by the interpretation provided in the Final Office Action, each of these claims could be interpreted to mean that the components could be equal or completely disproportionate and still satisfy a claim recitation of "essentially equal", an assertion that clearly finds no basis for support.

The Final Office Action makes a further statement that "applicant has not provided any guidance to support the argument that the forces applied to 120 and 104 can not be considered essentially equal." (see, Final Office Action, page 5.) This questions attempts to shift the burden to the Applicants when in fact, the burden is with the Examiner to show, based on what is provided in Avidor, that Avidor teaches, discloses or suggests "essentially equal" forces being applied to the actively driveable skin stretching device and the guard.

The Final Office Action has not provided a modicum of evidence that Avidor teaches, discloses or suggest "essentially equal", other than the argument that any distribution of forces may be interpreted as "essentially equal", which as should be clear from

the discussion above, is counter to that which is appreciated by a person of ordinary skill in the art.

In interpreting the term "substantially equal", a similar patent phraseology as "essentially equal", the courts have held that the limitation "which produces substantially equal E and H plane illumination patterns" was definite because one of ordinary skill in the art would know what was meant by "substantially equal." Andrew Corp. v. Gabriel Electronics, 847 F.2d 819, 6 USPQ2d 2010 (Fed. Cir. 1988).

Nonetheless, in the interest of cooperation and as a further attempt to advance consideration and allowance of the pending application, Applicants have elected to amend claim 1 to recite (emphasis provided) "a force component applied perpendicularly to said cutting direction during a shaving operation is distributed in equal parts to said actively driveable skin stretching device and said guard."

It is respectfully submitted that the shaving head of claim 1 is not anticipated or made obvious by the teachings of Avidor in view of Zucker. For example, Avidor in view of Zucker does not teach, disclose or suggest, a shaving head that amongst other patentable elements, comprises (illustrative emphasis added) "a

pivot axis arranged between the shaving head and a handle attached or attachable to said shaving head, wherein said pivot axis is arranged at least essentially parallel to said cutting blade, and wherein said pivot axis is arranged such that a force component applied perpendicularly to said cutting direction during a shaving operation is distributed in equal parts to said actively driveable skin stretching device and said guard" as recited in claim 1.

Further, it is respectfully submitted that the shaving head of claim 19 is not anticipated or made obvious by the teachings of Avidor in view of Zucker. For example, Avidor in view of Zucker does not teach, disclose or suggest, a shaving head that amongst other patentable elements, comprises (illustrative emphasis added) "a pivot axis coupled to the shaving head and arranged between the shaving head and a handle attached or attachable to said shaving head, wherein said pivot axis is arranged at least essentially parallel to said cutting blade, and wherein said pivot axis is arranged between where the two cutting blades are coupled to the shaving head" as recited in claim 19. As should be clear from the discussion above and a simple inspection of FIG. 17, Avidor is completely deficient of any such teaching.

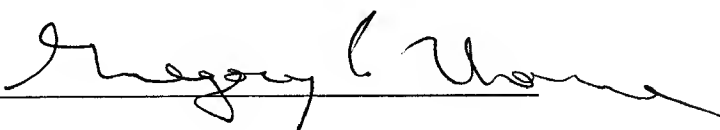
Zucker is cited to allegedly show other elements of the claim and as such, does nothing to cure the very obvious deficiencies of Avidor.

Therefore, in view of the above, Applicants respectfully submit that independent claims 1 and 19 are patentable over Avidor in view of Zucker and notice to this effect is earnestly solicited. Claims 2, 4-6, and 8-18 depend from claim 1 and accordingly are allowable over Avidor for at least this reason as well as for the separately patentable elements contained in each of the claims. Accordingly, separate consideration of each of the dependent claims is respectfully requested.

In addition, Applicants deny any statement, position or averment of the Examiner that is not specifically addressed by the foregoing argument and response. Any rejections and/or points of argument not addressed would appear to be moot in view of the presented remarks. However, the Applicants reserve the right to submit further arguments in support of the above stated position, should that become necessary. No arguments are waived and none of the Examiner's statements are conceded.

Applicants have made a diligent and sincere effort to place this application in condition for immediate allowance and notice to this effect is earnestly solicited.

Respectfully submitted,

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